

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1283

Dated 17th June 1895

[Despatch Abstract.]

PETITION.

Informing Vembuli, Ex-Constable of the Madras City Police, that his requests to direct the Commissioner of Police to frame a charge against him for abetting the smuggling of tobacco into Madras and that such charge be ordered to be tried by the Chief Presidency Magistrate, are inadmissible.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

11
2,50-8-8-05.

ORDINARY, MS.

<i>Journal</i> DEPARTMENT. G.O., DATED <i>17-6-95</i> No. <i>1283</i>
--

INDEXED.

When given for copying. 19/6

[Despatch Abstract.]

*Informing Vimbali &
Constable of the Muzra
City Police that his request
to direct the Commissioner
of Police to frame a charge
against him for abetting
the smuggling of tobacco
into Muzra & that such
charge be ordered to be
tried by the Chief Presidency
Magistrate, are inadmissi-
ble.*

92/6

4166/95 (from Curfble)
hunnaghami

5969/95 (PST from
annasamy)

MINUTE BY THE COMMISSIONER OF POLICE, Madras, in the Case.

4TH GRADE HEAD CONSTABLE COOPPOOSAWMY G/208.

1ST CLASS CONSTABLE ANNASWAMY G/821.

1ST do. VENKATASAWMY G/710.

3RD do. VAMBOLI G/614.

CHARGE.—Actively Conniving at the smuggling of Tobacco into the City.

Sub Inspector Gopal Rom received information that the Police of G. III Station were actively conniving at the smuggling of Tobacco from Sembiam and got the names of the following men. Viz. 4th Grade Head Constable Coopposwamy No. 208, 1st class Constable Annasamy No. 821, 1st class Constable Venkatasawmy No. 710, and 3rd class Constable Vamboli No. 614.

On night of 13th February 1894 he received definite information that some tobacco was to be run that night through the Vysarpady Toll Gate and accordingly communicated with Mr. White Municipal Octori Inspector lay in wait with him, Police Sub. Inspector Mr. Forrest and 2 Constables about 3 A. M. on 14th 1st Class Constable Mauriappan 267 3rd Class Constable Krishnasamy No. 606 3rd Class Constable Thangavelu No 554 and 3rd Class Constable Govindoo No. 564 stopped 3 carts laden with tobacco about 300 yards from the Vysarpadi Toll gate within city limits.

Constable Venkatasamy No. 710 and Vamboli No. 614 who were with the carts ran away but the carters and others were detained until Mr. White came up when they and the carts were taken to G III Station. These men gave their names as 1. Moonosamy, 2. Perumall alias Murugan, 3. Gurusawmy Moodaly, 4. Chinnasamy.

These men were examined on 14th February by District Inspector Mr. Eaton the first three criminated Head Constable Coopposamy No. 208 and Constables Annasamy No. 821 Venkatasamy No. 710 and Vamboli No. 614. Nos. 710 and 614 accompanied the smuggling party from the Tobacco Godowns at Sembiam and Nos. 208 and 821 were at the Toll gate. The fourth man denied all knowledge of the smuggling and says that he came upon the party just at the time the carts were stopped and recognised Constables No. 710 and 614. These four witnesses when examined by the Superintendent Mr. Uphson retracted the statements they had made before Mr. Eaton and stated that they had been severely beaten by Sub-Inspector Gopal Rom and compelled to give evidence. One of them showed a bruise on his left shoulder and another a stain of cart grease which was a bruise. They admitted that they had said nothing about having been beaten to Mr. Eaton and one of them Perumall has since (2nd March) stated that his statement to Mr. Eaton was true and that he was induced to withdraw it by the Constables who are accused.

Iyacanno Gramany and Krishnasamy Naik who admit that they joined the smuggling party on the night of 13th February criminate all the four Police Officers Viz. Nos. 208, 821, 710 & 614 and state that they (the Police Officers) have assisted in previous similar ventures.

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DEEPATCH
IN ORIGINAL (not paged).

N.B.—

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

High Road at 3-15 A. M. I do not know how they managed to measure time so accurately but it is quite possible for them to have been at the Toll Gate a short time before 3 and in the Perambore High Road before 3-30.

In defence they produce 8 witnesses 3 of whom are men who were found with the tobacco carts on morning of 14th who first made statements criminating the Constables and who afterwards retracted. The evidence of 7 of these men is that they were asked by Sub-Inspector Gopal Rom and others to give evidence against the Police. 2 of them say that they were threatened after refusing. The eighth was present when one of the men said to have been threatened was asked by Sub-Inspector Gopal Rom to change his statements. He says nothing about any threat having been made.

No. 614 says that he was at home from 10 P. M., 13th to 10 A. M., 14th February but produces evidence that on some night about that date he slept in his sister's house in Black Town.

No. 710 says that he was at home on the night of 13th February and produces evidence to prove it.

I believe that the charge is true and have no alteration but to dismiss the accused.

4th Grade Head Constable Coopposawmy No. 208	} are
1st Class do. Annasawmy „ 821	
1st do. do. Venkatasawmy „ 710	
3rd do. do. Vamboli „ 614	

dismissed with effect from date of suspension viz., 14th February 1894 for actively conniving at the smuggling of Tobacco into the City.

(Signed) H. W. H. COX, Col.

Commissioner of Police.

14th March 1894.

(True Copy)

M. VINAYAGUM MOODELIAR,

Asstt. Commissioner of Police,
Madras.

TRUE COPY OF CRIME LIST.

Date.	Number.			Place of Occurrence.	Date and hour.				Particulars of offence or the attending circumstances.
	Station.	Inspector.	Sergeant.		Offence when committed.	Report.	Report of the Inspector.	Before Magistrate.	
14-2-94.	175 9	„	„	Viyasarpady Nellore, Road.	3 A. M., 14-2-94.	Brought to station.	14-2-94.		Sub-Inspector Mr. Forrest and Sub-Inspector Gopal Rom, having received information, that carts laden with tobacco were to be run into the city through the place mentioned in column 5, went to the above place at 2 A. M., on 14-2-94 with

the assistance of Police Constables 267 Mariappen and 606 Krishnasamy, and lay there in wait when at 3 A. M., 3 carts laden with bags of tobacco and accompanied by some men (7 or 8 in number) and two Police Constables in undress, viz., Police Constable 710 Vencatasamy and Police Constable 614 Vembuli covering themselves with red clothes from head to foot, appeared and were stopped by Mr. White, Tobacco Inspector, who was there on erehand information. On examining whether the tolls had been paid in the above Toll-gate or not, it was found that none of them had paid the Tolls. Then on enquiring who the carters were, they gave their names as 1 Sapapathy, 2 Moonesamy, 3 Veeran, all of Perambore. On enquiring who came in their company, it was found that Constables Vencatasamy 710 and Vembuli 614 who accompanied the carts covering themselves from head to foot with red cloth and who were identified by Constables 267 and 606 who accompanied Sub-Inspector and 554 Thungavalu and 564 Govindoo, who were on rounds were asked to stop there as they were going to stop the other men and carts, ran away when Sub-Inspector came near to see them. When Sub-Inspector who had subsequently mingled, asked who accompanied the carts, they gave their names as 1 Moonesamy, 2 Perumal, 3 Gurusamy and 4 Chinnasamy. On examining the carters, they said that No. 1, 2 and 3 who accompanied them, one Chetty and some others loaded the carts with bags of tobacco in the Sembium Tobacco Godown and asked them to drive the carts to Pattanam which they did in company with the above and as they were driving the carts near the Viyasarpady Toll-gate, the said Chetty and those that accompanied them stood near the Toll-gate and asked them to drive the carts which they did without any objection. Then Nos. 1, 2 and 3 who accompanied the carts were examined and they said that one Linga Chetty, son of Ramasamy Chetty, represented to them that he was to send tobacco from the Sembium Tobacco Godown to his agents Thayee Moonesamy Chetty, Rutna Chetty and Katheer Chetty trading in tobacco in Kotwal Bazzar and requested them to accompany the carts on a cooly of annas 8 each and see that Municipal Officers do not trouble the carts for the tolls encouraging them that Police Officers were also coming as help. They said that Police Constables 710 and 614 accompanied them from the tobacco godown as help, and when they came to the Toll-gate, the said Linga Chetty, the Toll-gate writer, Head Constable 203 Cuppusamy and Constable 821 Annasami who (the latter two) were in the Toll-gate, spoke something to one another and ordered them to drive the carts which they did accompanied by the said Constables 710 and 614 and were on their way stopped by you and the Police Constables. On examining Chinnasamy who also came in company with the carts, he said that on his way to town on private business, he came in contact with the carts and men in the way and identified Constables 710 and 614, who also accompanied. Immediately Sub-Inspector Mr. Forrest and Mr. White, having orders to take care of the tobacco, went to the Toll-gate and examined the Toll-gate Tobacco Tolls Register and found that for the last four months there was no entry of Tolls on tobacco. Mr. White took charge of the carts laden with tobacco. District Inspector examined Constables 710 and 614 who said that they were on house turn that night and never stirred out that night from their houses. Head Constable 203 Cuppusamy and Constable 821 Annasamy, when examined, denied any knowledge of the matter and averred that that night, leaving G. III Station at 1 A. M., on rounds, they came to the Viyasarpady Police Station to visit it at 2-15 A. M., wherefrom they went to Perambore, when the people in the Toll-gate were sleeping soundly.

(Signed) T. GOPAUL RAM,
Sub-Inspector.

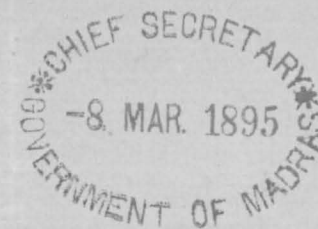
(Signed) VARADARAJUM PILLAY, No. G.
Head Constable, 755.

(True copy)
R. C. MASON,
Inspector, G. Division.
28-7-94.

H. W. H. COX,
Commissioner of Police.

Commissioner's Office,
Madras City Police, 28th July 1894. }

Duplicate



1/2

His Excellency the Right Honorable
Beilby, Baron Wenlock, G. C. S. E.,
Governor and President in Council,
Madras

The humble Petition of Vembuli,
Ex. 3rd Class Constable 614 of the
Madras City Police.

MOST RESPECTFULLY SHEWETH :—

1. That Your Excellency's humble Petitioner begs to submit that he served in the Police staff for a period of 1 year, 4 months and 22 days with good remark of the Commissioner of Police, Madras.

2. That Your Excellency's humble Petitioner and 3 others, namely, (1.) Annasawmy, Ex. 1st Class Constable 821, (2) Cooppoosawmy, Ex. 4th Grade Head Constable 208 and (3) Venkatasawmy, Ex. 1st Class Constable 710 of the Madras City Police, were charged "with actively conniving at the smuggling of tobacco into the city" on the night of the 13th February 1894.

3. That Petitioner begs to point out that Sub-Inspector Gopaul Ram brought this charge against Petitioner and produced false witnesses. Upon this Petitioner wrote to the Commissioner of Police on the 19th February that he may be pleased personally to inquire about the smuggling of Tobacco into the city; but unfortunately for Petitioner no such inquiry was made. If the Commissioner had held an inquiry, no misfortune would have be fallen him.

4. Your Excellency's humble Petitioner next begs to point out that on the 14th March 1894, the Commissioner, without his personal inquiry, dismissed Petitioner and 3 others on the reports of the District Inspector Mr. Eaton and Superintendent Mr. Upshon.

5. That Petitioner is at a loss to see how it was possible that Police men interfered with the tobacco smuggling party even after the order of the Commissioner not to arrest or do anything with tobacco smugglers and also to see the idea that the merchants cared for Police help.

6. Your Excellency's humble Petitioner begs to point out that had the Petitioner and other Police Officers accompanied the carts from Sembium Godown carters, 1 Sabapathy, 2 Moonoosawmy, and 3 Veeran must have given evidence against Your Petitioner and others. Their evidence as carters, is not only recorded

1895
Dept.
Encls. No.
To
C. No. 1170

in the Crime Register, but they have been proved as such, in the Presidency Magistrate's Court, Egmore. These men have not spoken a word at the Police Station as to having seen Petitioner along with the smuggled as to having seen tobacco carts.

7. That Petitioner is prepared to prove by records that the District Inspector Mr. Eaton and Police Superintendent Mr. Upshon have not conducted the inquiry impartially; but that they were bent upon protecting the said Sub-Inspector Gopaul Ram. Hence they submitted a report to the Commissioner, quite prejudicial to Petitioner.

8. That Your Excellency's humble Petitioner begs to point out that in the Crime Register it is stated that Mr. White, Municipal Octroi Inspector, himself stopped the carts of the smuggled Tobacco, but in the Commissioner's minute it is stated that the Police caught hold and detained the carts until Mr. White, Municipal Octroi Inspector, came up. All these misrepresentations are worked out for the ruin of Your Excellency's humble Petitioner.

9. That 7 persons carters and coolies are entered in the Crime Register, as belonging to the smuggling party, but only 4 persons are mentioned in the minute of the Commissioner. A copy of the said Crime Register is herewith submitted for Your Excellency's gracious perusal and consideration.

10. That on the 16th February 1894, when the above charge against Petitioner and others being inquired into by Police Superintendent Mr. Upshon, one Perumal who was brought as a witness, produced a cloth stained with blood and represented that the marks of blood in the cloth were the result of the severe beating he had from Sub-Inspector Gopaul Ram, because he would not accept to depose, as per his instructions that he saw Petitioner and others with the tobacco carts. But a few days later as he obtained a peon's post in the Municipality through the endeavours of Sub-Inspector Gopaul Ram, he retracted his original statement, when re-examined on the 2nd March. Petitioner represented this matter to Mr. Upshon at the time; but he intentionally hid the same without bringing to notice of the Commissioner.

11. The said Sub-Inspector Gopaul Ram produced before Mr. Upshon another witness, one Iyacannu Gramany, to speak against Petitioner. This witness being under obligation to Gopaul Ram for having got him also a peon's post at Perambore under Municipal Tobacco Inspector, have been fully represented to Mr. Upshon, but he took no notice of it. These facts will be proved by records.

12. That when Perumal, applied to the Commissioner of Police on the 31st July 1884, for the return of his blood-stained cloth, it was not returned to him, as Petitioner had objected to its being returned until his case is disposed of finally. The said cloth is still in the Police Commissioner's Office.

13. That one Subbadu, witness for Petitioner, deposed before Mr. Upshon that one Iyacannoo, asked him to give evidence in favor of Sub-Inspector Gopaul Ram and as he refused, Iyacannoo assaulted him and that he, on the 21st

February 1894, preferred a charge against him on the 22nd, for assault before the Presidency Magistrate, Egmore. This evidence Petitioner submits has not been recorded by Mr. Upshon.

14. That Petitioner begs to direct Your Excellency's attention to the Crime Register herewith submitted in which it is entered that Linga Chetty, the Owner of the Tobacco, the 4 Police constables, 3 carters, 4 coolies and Toll-gate Writer as the medium of the smuggling of Tobacco into the city and Your Excellency must consider that if the above statement be true, why was not the owner of the Tobacco, Linga Chetty, charged; nay, he was not examined at all at any stage of the inquiry. in Commissioner's minute this case is a difficult one to dispose of, for, the evidence of many of the witnesses is more or less tainted and it is hard to say what parts of their statements are true and what parts false.

15. Your Petitioner begs to state that he being a witness to the Petition dated 29th January 1894 against Sub-Inspector, Gopaul Ram, the said Sub-Inspector, having the said enmity brought a case of smuggling of Tobacco against him threatening the smuggling party by force of arms who danced according to the Sub-Inspector Flute, to admit and tell before the District Inspector Mr. Eaton Superintendent Mr. Upshon that he too was concerned in the case.

16. Your Excellency's humble Petitioner begs most respectfully to state that he presented a petition to Government, dated 10th April 1894 to which he received an endorsement that "the Petitioners will be informed that the Government declines to interfere." Thereupon Your Excellency's humble Petitioner forwarded another petition to the Madras Government, dated 13th September 1894, through Messrs. Branson and Branson, Solicitors, to which also he received an endorsement that "the Petitioners will be informed that their request cannot be complied with."

17. Your Excellency's humble Petitioner most respectfully prays that this his petition may graciously be received and that he may be granted redress. Your Excellency's humble Petitioner would ask that Your Excellency would direct the Commissioner of Police to hold an investigation or that in the event of Your Excellency being not pleased to give such directions, that the Commissioner of Police may be directed to frame a charge against him for aiding and abetting the smuggling of tobacco into Madras on the day in question and such charge be tried by the Chief Presidency Magistrate.

If not these two, that Your Excellency's humble Petitioner may be re-instated.

For which act of charity and justice, Your Excellency's humble Petitioner as in duty bound, shall ever pray.

MADRAS,

7th March 1895.

1014 Minnar Street
Tattay Road, Madras
B. L. G. S.

1410/895
474-53-95
No 474-53-95
Paper

From
Vembuli
Ex. Const. of the Madras
Police

Date 7. 3. 95
Recd 8. 3. 95
Regd 9. 3. 95

Subject.

For a Duplicate of his peti.
regard that the Commr. of
Police may be ordered to frame
a charge against him for
abetting the smuggling of
tobacco into Madras &
that such charge be tried
by the Chief Pres. Magistrate

To await receipt of the
original petition.

11395
over

Endorsement. No 1138

Referred to the Commissioner
of Police for report as to whether the original
of this petition has been received in his
office, and if so, when it may be expected
to reach the Govt. office.

(By order)

Alfred Saunders
Ag. Under Secretary.

Cotacaimund
To 27th May 1895
The Commissioner of Police, Madras.

MR
24.V.95



City Police Office,

No. 45

Madras. 29th May 1895

From
Colonel H. A. S. Cox
THE COMMISSIONER OF POLICE,
MADRAS.

To
The Chief Secretary to Government
With the Governor
Spencer Hill

Sir,
In reply to your Endorsement
No 1138 dated 27th May 1895 upon
Petition from Ex. Constable Vembuli
of the Madras City Police Force I
have the honour to inform you that on
7th March last I received a letter
from Ex. Constable Vembuli and the
3 other men who were dismissed at
the same time asking me to forward
their printed petitions to Government.
They were informed that as they were
no longer in the Force they could

vide No 53-95
No 474 respecting
their petitions para 2

Judicial Deptt.

CURRENT NO. 2668



From
The Commissioner of Police
Madras
To
The Chief Secretary to Govt
Madras

Dated 29th May 1895
Received 31st May 1895

Cb. 45

Enclosure.

CNO. 1170 with Encl. 2.

Vembuli Ex: Constable of
the Madras City Police

Returning the appeal
petition of — with his
remarks.

11/23/11
11/6

(100)

CNO. 1170 + 2668/95

Order d/17th June 1895 No. 1283
Min.

The petn. should be informed
that his requests are inadmissible.

15/6/95
1.6.95

To
The Commr of Police, Madras.
note for order:
As to whether a para should be added
notifying the Comr's mistake in returning the appeal petition

MR
1. VI. 95



When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.